

**10/31/05 - Monday, October 31, 2005**

CITY OF EAU CLAIRE

**PLAN COMMISSION MINUTES**

**Meeting of October 31, 2005**

City Hall, Council Chambers

7:00 p.m.

Members Present: Messrs. Levandowski, Vande Loo, Waedt, Duax, Tappen, FitzGerald, Ms. Kincaid

Staff Present: Messrs. Tufte, Reiter, Amundson, Ms. Noland

The meeting was chaired by Mr. Levandowski.

1. **REZONING (Z-1337-05) “ R-1 to C-1AP, 1717 Birney Street**

Tom Monson has submitted a request to rezone property located at 1717 Birney Street from R-1 to C-1AP and to adopt the General Development Plan for an office. The Comprehensive Plan>

Mr. Monson appeared in support. He stated the additional spaces are necessary so that employees and customers are not parking on the street. He proposed a arbor vitae hedge along the north property line to better screen the parking. He noted he already has 6 employees.

Scott Rice, owner of 1717 Birney Street, spoke in support. He felt the additional space for parking was warranted because there were other parking areas for other homes with back yards along Brackett Avenue.

Carol Rudd, 2125 Ohm Avenue, stated that she has no objection to the wider curb cuts on Birney Street.

No one appeared in opposition.

Ms. Kincaid stated that allowing the wider curb cuts would go against previous Plan Commission decisions to keep parking in defined lots plus this may add to the dangerous backing of up to 6 cars onto Birney Street at multiple times. She moved to recommend approval of the rezoning with the two conditions listed in the staff report, which do not allow the additional parking spaces. Mr. Tappen seconded and the motion carried.

Mr. FitzGerald left his commission seat.

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2. **REZONING (Z-1338-05) “ R-2 to R-2P, Chumas Drive**

Fairfax Meadow has submitted a request to rezone parcels located on the south side of Chumas Drive, east of Rudolph Road, from R-2 to R-2P and to adopt the General Development Plan for duplex development with reduced side yard setbacks and increase lot coverage. Applicant wishes to construct the remaining 6 duplexes at a reduced 5<sup>TM</sup> side yard setback and lot coverage up to 35%. This is the only impact of this

request. Staff recommended that matching setbacks next to existing abutting duplexes be provided.

Dave FitzGerald, 3319 Katelyn Court, representing Fairfax Parkside Company, spoke in support. He commented on the many condo units on the market and that State Building Code allows a 5<sup>th</sup> side yard setback for fire safety which will allow a wider home on the lot similar to those already built on the street, but instead of an angled front door, the unit will be widened to allow a flat front door which will increase lot coverage. This rezoning will allow sunrooms to be added to the rear of the units.

Howie Sturtz, 1819 Chumas Drive, representing other condo owners, expressed concern for protection of their investments.

Rich Kriener, 1912 Chumas Drive, questioned the need to change designs on the units and also expressed concerns to maintain the condo development.

Ron Decker, 1915 Chumas Drive, asked questions on the rezoning request.

No one spoke in opposition.

Mr. Waedt moved to recommend approval with the conditions listed in the staff report. Mr. Vande Loo seconded and the motion carried. Mr. Tappen voted no.

Mr. FitzGerald rejoined the Commission.

3. **CONDITIONAL USE PERMIT (CZ-0533) “ Home Occupation, 2126 Ohm Avenue**

Sarah Aiken has submitted a request to allow a home occupation consisting of a massage therapy business at 2126 Ohm Avenue. The business will be conducted in a spare basement room. She anticipates 10 clients a week with 2-3 clients a day, working 4 days a week. Clients are by appointment only, with no walk-ins and there is parking in the driveway. She is currently licensed and wishes to work at home and raise her children while keeping customers.

Mary Campbell, 2131 Ohm Avenue, spoke in opposition. She stated that there was too much commercial business on Ohm Avenue already and especially on the east end. The business will add congestion to the street.

Levi Aiken, 2126 Ohm Avenue, spoke in support. He emphasized there will be only one client at a time and parking is provided off-street.

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Mr. Vande Loo moved to approve the home occupation. Mr. Waedt seconded and the motion carried.

4. **CONDITIONAL USE PERMIT (CZ-0534) “ Home Occupation, 319 Arbor Hill Circle**

Jeremy Goss and Stephanie Schlewitz have submitted a request to allow a home occupation consisting of a cleaning service for their residence at 319 Arbor Hill Circle. The home occupation will be conducted within the basement and includes an office and inventory storage. All work will be conducted at the home or property of the customers. There may be UPS or FedEx delivery at the home with supplies or documents.

No one appeared in support or opposition.

Mr. FitzGerald moved to approve the request. Mr. Duax seconded and the motion carried.

5. **ANNEXATION (05-9A) “ Sherman Creek Road, Town of Union**

Thomas Lovejoy has petitioned for annexation of a small vacant parcel of land adjacent to his home at 2427 Sherman Creek Road. The small parcel contains 2,880 square feet of land and is part of the side yard for the house. This parcel was inadvertently omitted at the annexation of the house in 2004. The annexation is consistent with the Comprehensive Plan.

Mr. Vande Loo moved to recommend approval of the annexation. Mr. Waedt seconded and the motion carried.

Mr. FitzGerald left the commission seat.

6. **FINAL CONDO PLAT (P-18-05) “ Southvilla Condominiums**

Mark Held has submitted the final condo plat for Southvilla Condominiums located on the south side of Damon Street, east of Fairfax Street. The final condo plat is consistent with the preliminary condo plat and is consistent with the General Development Plan . The plat is for 8 duplex condos.

Mr. Vande Loo moved to recommend approval of the final condo plat with the conditions noted in the resolution. Mr. Waedt seconded and the motion carried.

7. **FINAL CONDO PLAT (P-21-05) “ Eastside Greens Condominiums**

Peter Garmann has submitted a final condo plat for Eastside Greens Condominiums located on the south side of LaSalle Street, east of Black Avenue. The site plan for this 4-plex was approved in 1999. This is part of a larger 4-plex development.

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Jeff Schreiner, 1426 Louis Road, Fall Creek, owner, spoke in support. He stated that he wants to sell each unit in order to make the project feasible.

Mr. Duax moved to recommend approval of the final condo plat with the condition listed in the staff report. Mr. Vande Loo seconded and the motion carried.

8. **STREET VACATION “ St. Frances Street**

Mr. Amundson presented a request to vacate the right-of-way for St. Frances Street, from St. Claire Street, west to the railroad property. The street has never been improved or opened to traffic for public use and there are no utilities lying within the right-of-way.

Mr. FitzGerald moved to recommend approval. Mr. Duax seconded and the motion carried.

9. **SITE PLAN (SP-0059 AMD) “ 4910 Otteson Lane**

Impact Seven, Inc., is requesting to amend the site plan for 4910 Otteson Lane to change the sidewalks for the project. The City recently installed the public sidewalk along the north side of Otteson Lane adjacent to the project.

Mary Vinopal, Impact Seven, Inc., proposed to not build the east side sidewalk around the rear of the building past the patio and a second sidewalk to the north parking lot. This would be replaced with a sidewalk from the south entrance of the building to the new public sidewalk.

Mr. Duax moved to approve the revised sidewalk plan, including a private sidewalk along the front of the building south to the public sidewalk with review by the City Engineer. Ms. Kincaid seconded but the motion failed on a tie vote.

Mr. Tappen stated he can't support this proposal as the sidewalks do not provide access for tenants to the yard area and safety to the parking lots.

Robert Heath, tenant, with an assistant, spoke in favor of maintaining the sidewalk system as approved on the site plan. He described his difficulty in getting access to the patio and parking area and through the south door.

Mary Vinopal responded that the doors should be accessible to tenants but the southeast corner of the building is a drainage area, which is not appropriate for pedestrians.

Mr. FitzGerald moved to require all sidewalks north of the building, and on the east side from the north door to the patio area, eliminate the sidewalk from the patio area south to the south entrance and provide a new sidewalk from the south entrance to the new public sidewalk. Ms. Kincaid seconded and the motion carried.

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10. **CAPITAL IMPROVEMENT PLAN “ 2006-2010 City of Eau Claire**

Ms. Noland presented the Capital Improvement Plan 2006-2010 for the City of Eau Claire. She reviewed the projects outlined in the Plan, which are consistent with the Comprehensive Plan.

Mr. Vande Loo moved to recommend the Capital Improvement Plan, finding the projects in conformance with the Comprehensive Plan. Mr. Waedt seconded and the motion carried.

11. **DISCUSSION**

**A. Buffington Museum/Thread Bear, 1500 State Street**

Mr. Tufte reported on a visit to the location as requested by the Plan Commission. The report concluded that the building was essentially the same as the inspection in 2002.

Mr. Duax made a motion that found the use in compliance with the Conditional Use Permit CZ-0220. Mr. Tappen seconded and the motion carried.

## **MINUTES**

The minutes of the meeting of October 17, 2005 were approved.

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Laura Jensen, Secretary